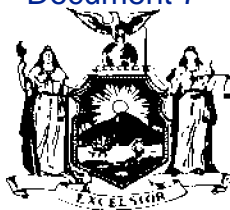


MEMO ENDORSED



JAN 23 2008

STATE OF NEW YORK
OFFICE OF THE ATTORNEY GENERAL

ANDREW M. CUOMO
Attorney General

CRIMINAL DIVISION
Federal Habeas Corpus Section

Writer's Direct Telephone No.
212-416-8820

January 22, 2008

BY HAND

Honorable Douglas F. Eaton
United States Magistrate Judge
Southern District of New York
500 Pearl Street, Room 1360
New York, New York 10007

Re: Davis v. Farrell, No. 07 Civ. 5920 (BSJ) (DFE)

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 1/23/08

Your Honor:

I am an Assistant Attorney General in the office of Andrew M. Cuomo, Attorney General of the State of New York. By agreement with the New York County District Attorney's Office, I will be representing respondent in this habeas corpus proceeding. I am writing to request an additional 60 days to answer the habeas petition.

On November 1, 2007, Your Honor granted my first request for an extension of time to answer the petition, and directed me to file my papers by February 14, 2008. I am compelled to request a second extension -- until April 14, 2008 -- because this office still does not have the state court transcripts and some of the records in this case, despite our diligent efforts to obtain them from the District Attorney's Office, the state court library, and petitioner's appellate counsel.

This will be my final request for an extension. If I cannot obtain the missing transcripts and records within the next few weeks, I will rely on the summary of the proceedings that appears in the District Attorney's appellate brief.

I thank the Court for its consideration.

1/23/08 -
I grant this request.
Douglas F. Eaton

Respectfully submitted,

Jodi A. Danzig (JD-8126)
Assistant Attorney General

cc: Mr. Richard Davis (by U.S. mail)
04-A-1735
Wallkill Correctional Facility, Box "G"
Wallkill, New York 12589-0286

MEMO ENDORSED